IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPLICATION NO.289 OF 2007

Sanjay M. Shastri ..Applicant.
Vs.
Justina S. Demello & Anr. ..Respondents.

Mr.Marwadi, adv. for the Applicant.
Ms.S.V.Gajare, APP for the State.

CORAM : J.H.BHATIA, J.
DATE : JUNE 25, 2007.

P.C.

1. Heard Mr.Marwadi the learned counsel for the applicant.

2. Criminal Application No.243 of 2000 is filed by the applicant for quashing the proceeding under Section 138 of the Negotiable Instruments Act.

3. Rule was already issued. However, when the application came up for final hearing on 23-2-2007, none was present. On earlier date also none was present and, therefore, the matter was dismissed in default. In Paragraph 2 of the application, it is mentioned that due to certain unavoidable circumstances advocate for the applicant could not appear when the matter was called.

4. In view of the above circumstances, I am

satisfied with the circumstances in which applicant or his counsel was absent. Therefore, this application is allowed. Criminal Application No.243 of 2000 is hereby restored to the file. However, fresh notice be given to the respondent no.1 indicating that on the next date, matter will be taken up for final hearing.

5. S.O. 3 weeks.

[J.H.BHATIA, J.]